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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,553

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Teiichi Ichikawa

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EXAMINER

HALEY, JOSEPH R

ART UNIT

PAPER NUMBER

2627

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,553	<b>Applicant(s)</b> ICHIKAWA ET AL.	
	<b>Examiner</b> JOSEPH HALEY	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 11, 12 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 13 and 21 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa et al. (US 5923627) in view of the applicant's admitted prior art.

In regard to claim 21, Miwa et al. teaches a video and a data recording area included within a data area (fig. 1), wherein the video and the data recording area includes a program chain command table information having a description area, the description area storing a resume command (figs. 12 and 18. There is a PGC command for the play button); wherein the resume command is processed in a disk player which reproduces the information medium such that when a resume operation is executed, the disk player is configured to check an existence of the resume command in the program chain command table information which is specified by a resume information (see fig. 12. Although it is not shown the apparatus of Miwa et al. would check the PGC command table for the play operation when the button was pushed), before starting playback of the program chain command table information, and when the resume command exists in the program chain command table information, the resume command is executed at first in the disk player and when the resume command does not exist in the program chain command table information, the resume operation is

executed in the disk player (it is inherent that whether the resume command exists or not the resume operation will be executed) but does not teach a pre-command, post-command and cell command.

The applicant's admitted prior art teaches a pre-command, post-command and cell command (see paragraph 9).

The two are analogous art because they both deal with the same field of invention of DVD-Videos.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Miwa et al. with the commands of the applicant's admitted prior art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Miwa et al. with the commands of the applicant's admitted prior art because it would improve interactive reproduction.

In regard to claim 13, the applicant's admitted prior art teaches wherein the information recording medium is an optical disk (paragraph 6).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art and Miwa et al. in view of Hasegawa et al. (US 6282320).

In regard to claim 9, the applicant's admitted prior art and Miwa et al. teach all the elements of claim 9 except wherein the command is a command which is executed when a timer is made valid and a predetermined time is elapsed.

Hasegawa et al. teaches a command which is executed when a timer is made valid and a predetermined time is elapsed (fig. 22 S803-S805).

The three are analogous art because they all deal with the same field of invention of video on an optical disc.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of the applicant's admitted prior art and Miwa et al. with the timer of Hasegawa et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of the applicant's admitted prior art and Miwa et al. with the timer of Hasegawa et al. because it would allow for commands to take place without any action from the user.

In regard to claim 10, Hasegawa et al. teaches wherein the reproducing control information defines other reproducing control information which is linked when the timer is made valid and the predetermined time is elapsed (fig. 22 S803-S805. The apparatus of Hasegawa et al. displays a new picture once the time has passed).

#### ***Allowable Subject Matter***

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH HALEY whose telephone number is (571)272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
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/Joseph Haley/  
Examiner, Art Unit 2627